



SO ORDERED.

SIGNED this 22 day of May, 2018.

Stephani W. Humrickhouse

Stephani W. Humrickhouse
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

MELVIN BARFIELD, JR.
DEBTOR(S)

16-03490-5-SWH
CHAPTER 13

CONSENT ORDER ALLOWING CONDITIONAL
RELIEF FROM THE AUTOMATIC STAY

THIS CAUSE coming on to be heard before the Court, and it appearing to the Court that Ditech Financial LLC f/k/a Green Tree Financial LLC, the creditor, and the Debtor have agreed and consented to the entry of this Order allowing the conditional relief from the automatic stay pursuant to the agreement of the parties as set forth below:

NOW THEREFORE, with the agreement and consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. On July 5, 2016, the Debtor, Melvin Barfield, Jr., filed a petition with the Bankruptcy Court for the Eastern District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor was the owner of real property ("Property") located at 10 Randolph Road, Clayton, NC 27520.
3. The Property is subject to the first lien of the Movant by Deed of Trust recorded in the Johnston County Public Registry ("Deed of Trust").
4. Said Deed of Trust secures a Note from the Debtor to Equity Services, Inc., in the original principal amount of \$135,000.00, dated September 13, 2006 ("Note").
5. The Note and Deed of Trust have been transferred and assigned to Ditech Financial LLC f/k/a Green Tree Financial LLC.
6. The Debtor has defaulted in the payment of the mortgage payments to be made outside of the plan. The amount of the default as of April 2, 2018 is \$16,082.69. A breakdown of the default is as follows:

4 payments at \$899.94 for 9/1/2016-12/1/2016	\$3,599.76
5 payments at \$1,058.27 for 1/1/2017-5/1/2017	\$5,291.35
2 payments at \$831.82 for 6/1/2017-7/1/2017	\$1,663.64
8 payments at \$796.97 for 8/1/2017-3/1/2018	\$6,375.76

Suspense balance	\$-847.82
TOTAL ARREARAGE	\$16,082.69

7. Ditech Financial LLC f/k/a Green Tree Financial LLC and the Debtor have agreed and consented to entry of this Order as shown by the signatures of counsel for the parties appearing below.

NOW THEREFORE, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The Post-Petition arrearage in the amount of \$16,082.69 shall be added to the chapter 13 Plan to be paid by the Trustee over the life of the plan. The Debtor shall take appropriate action within 30 days from the entry of this Order to modify the plan to accommodate the additional claim.
- B. The Debtor shall also resume making the regular monthly mortgage payments (currently \$899.94) to Ditech Financial LLC f/k/a Green Tree Financial LLC beginning with the April 1, 2018 payment and continuing with each month thereafter as said mortgage payments come due pursuant to the Note and Deed of Trust.
- C. In the event the Debtor shall fail to pay any payments as required by paragraphs A or B, thirty days after the date due, then and in that event the Automatic Stay of section 362 of the Bankruptcy Code will be lifted without further notice or hearing in this matter and Ditech Financial LLC f/k/a Green Tree Financial LLC, or any successor-in-interest, shall be allowed to proceed with the foreclosure of the aforesaid Note and Deed of Trust. This default provision shall expire one (1) year after the entry of this order.
- D. In the event Ditech Financial LLC f/k/a Green Tree Financial LLC obtains relief from stay as provided in this Order then F.R.B.P 4001(a)(3) shall not apply.
- E. In the event the Creditor obtains relief from stay, the Creditor shall not be required to file a Notice of Mortgage Payment Change or a response to the Trustee's Notice of Final Cure contemplated by Rule 3002.1 of the Federal Rules of Bankruptcy Procedure.
- F. In the event the Creditor obtains relief from stay, the Trustee is authorized to cease payments upon any and all pre-petition claims filed in this case by the Creditor, its successors, or assigns.
- G. In the event the Creditor obtains relief from the stay, the Creditor shall have 180 days to file a deficiency claim from the time the property is removed from the protection of the automatic stay. For good cause shown, an extension of time to file a deficiency claim may be granted by the Court so long as an application therefore is made within the applicable deficiency filing period.
- H. The Debtor shall mail future payments to Ditech Financial LLC f/k/a Green Tree Financial LLC, 1400 Turbine Drive, Rapid City, South Dakota 57703.

Signatures Continued on Next Page

In re Melvin Barfield Jr., 16-03490-5-SWH

Agreed and consented to this 11th day of May, 2018.

/s/ William P. Harris

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Agreed and consented to this 11th day of
May, 2018.

/s/ Travis Sasser

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No objection this the 15th day of
May, 2018.

/s/ John F. Logan

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